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**ORIGINAL**

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MEREDITH MAEDA and SARAH GRONNA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 18 2006  
at 2 o'clock and 45 min. M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT  
OF EDUCATION; PATRICIA  
HAMAMOTO, Superintendent of  
Hawai'i Schools, MEREDETH  
MAEDA, Principal, Castle High  
School; SARA GRONNER OR  
GRONNA, Vice Principal of Castle  
High School,

Defendants.

CIVIL NO. 04-00390 JMS-KSC

DEFENDANT STATE OF  
HAWAII'S MOTION FOR  
SUMMARY JUDGMENT;  
MEMORANDUM IN SUPPORT OF  
MOTION; DECLARATION OF  
BEVERLY REIDY;  
DECLARATION OF MARTIN  
MATTISON; DECLARATION OF  
MEREDITH MAEDA;  
DECLARATION OF SARAH  
GRONNA; DECLARATION OF  
PAULINE KOKUBUN;  
DECLARATION OF HELEN  
SANPEI; CERTIFICATE OF  
SERVICE

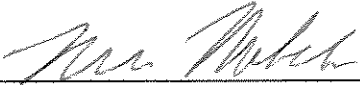
DEFENDANT STATE OF HAWAII'S MOTION FOR SUMMARY JUDGMENT

Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION, by and through their attorneys, hereby move this Honorable Court for an order granting summary judgment in Defendants' favor on COUNTS I, II and VIII of Plaintiff's Second Amended Complaint filed on December 21, 2005.

Further, Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION hereby moves that the same claims asserted against the official capacities of all named individual defendants be dismissed as well, since a suit against a state official in that person's official capacity is the same as an action against a state. Kentucky v. Graham, 473 U.S. 159, 166-67 (1985).

This Motion is made pursuant to Rule 56, Federal Rules of Civil Procedure, and Rule 7.2 of the Local Rules of Practice for the United States District Court for the District of Hawai'i, and is supported by the attached memorandum, declarations, and the pleadings in this case.

DATED: Honolulu, Hawai'i, December 18, 2006..

  
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NELSON Y. NABETA  
Deputy Attorney General

Attorneys for Defendants